

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6201**  
**BILL NUMBER: SB 5**

**DATE PREPARED:** Apr 11, 2001  
**BILL AMENDED:** Apr 10, 2001

**SUBJECT:** Open Alcoholic Beverage Containers.

**FISCAL ANALYST:** Mark Goodpaster  
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**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) It establishes an Interim Study Committee on Open Containers in Motor Vehicles.

(B) It provides that a person who is a passenger in a private motor vehicle being operated by an individual who has not consumed alcohol is not in a public place or place of public resort for purposes of the law concerning public intoxication.

**Effective Date:** (Amended) Upon Passage; July 1, 2001.

**Explanation of State Expenditures:** (Revised) Provision A establishes the Interim Study Committee on Open Containers in Motor Vehicles. This committee would study issues relating to the amendment of the open container law to comply with federal requirements.

Members of study committees receive a per diem and travel reimbursement. The size of this committee is not specified in the bill. Legislative Council Resolution 00-2 allocates \$9,000 per interim for study committees of fewer than 16 members and \$18,500 for committees with 16 or more.

**Explanation of State Revenues:** (Revised) Provision B could reduce the amount of revenue that courts collect from fines and fees. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** (Revised) Provision B: If fewer arrests and convictions occur because of this bill, then the number of offenders in jail may be reduced. The maximum sentence for a Class B misdemeanor is 180 days. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** (Revised) Provision B could also reduce the local revenue available from court fees. If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Courts; Law enforcement agencies.

**Information Sources:** Legislative Council Resolution 00-2.